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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,252	01/24/2007	Carlo Paletto	Q94721	7841
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER WOLFE, DEBRA M	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 12/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,252

Applicant(s)

PALETTO, CARLO

Examiner

Debra M. Wolfe

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 25-30, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/12/2006</u> | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Zampini (US Patent # 5,647,243). Zampini disclose a machine for the working of sheet metal parts (1, 2), comprising a tool-carrying unit (7, 11), a work piece carrying structure, a supporting structure (8), a movable unit (4) which carries the tool-carrying unit (7, 11) and is slidably mounted on the support structure (8) along a working direction and a first driving system for controlling the movement of the movable unit (4) in the first direction (working direction), the first driving system including a first driving shaft (9), a first motor unit [See col. 4 lines 27-30] for controlling the rotation of the first driving shaft and a mechanism for converting the rotational movement of the first driving shaft (9) into the translational movement of the movable unit (4), wherein the mechanism comprises a first cam member (7e, 7f) driven by the first driving shaft (9) and a first engagement surface (7c, 7d) arranged to co-operate with an outline of the first cam member (7e, 7f) to bring about a first working movement of the movable unit (4), the first engagement surface (7c, 7d) is provided by the work piece carrying structure. It is noted that the first engagement structure (7c, 7d) is provided by the work piece carrying structure through the supporting structure (8) since these two structures are connected to one another and the limitation provided does not define a connection between the members.



In reference to claim 31, Zampini further discloses the mechanism for converting the rotational movement of the first shaft (9) into the translational movement of the movable unit further comprises a second cam member (14e, 14f) driven by the first driving shaft (9) and a third engagement surface (14c, 14d) arranged to co-operate with the second cam member (14e, 14f) to bring about a second working movement of the movable unit (4) [See FIG 5].

In reference to claim 32, the direction of the first working movement of the movable unit (4) is the same as that of the second working movement.

In reference to claim 33, the tool-carrying unit (7, 11) carries a first pre-flanging tool (5) and a second final-flanging tool (10) in such a manner that the machine is adapted to perform a flanging operation in a first pre-flanging phase and in a second final-flanging phase., And the first driving system is configured in such a manner to drive the first working movement of the movable unit (4) to perform the pre-flanging phase and the second working movement of the movable unit to perform the final-flanging phase [See FIGS 8-10].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:



Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorsett (US Patent # 5,050,422) in view of Zampini (US Patent # 5,647,243). Dorsett discloses a machine for the working of sheet metal parts (4) comprising a tool-carrying unit (7), a work piece carrying structure (3) and a supporting structure (1), a movable unit (8, 11) which carries the tool-carrying unit (7) and is slidably mounted on the support structure (1) along a first direction and a first driving system for controlling the movement of the movable unit (8, 11) in the first direction, the first driving system including a mechanism for providing a translational movement of the movable unit (8, 11), wherein the mechanism comprises a first cam member (25) and a first engagement surface (27) arranged to co-operate with an outline of the first cam member (25) to bring about a first working movement of the movable unit (8, 11). It is noted that the first engagement structure (27) is provided by the work piece carrying structure (3) through the supporting structure (1) and movable unit (8, 11) since these structures are connected to one another and the limitation provided does not define a connection between the members. Dorsett discloses the invention substantially as claimed except for wherein the driving system includes a motor and drive shaft. However, Zampini teaches it is known in the hemming art to replace hydraulic driving mechanisms with mechanical driving mechanisms [See col. 1 lines 33-37] in order to reduce the cost and maintenance of the machine. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hydraulic driving mechanism of Dorsett with a mechanical driving mechanism such as a motor and ball and screw device in order to reduce maintenance and cost.



In reference to claim 22, the first engagement surface (27) is provided on an opposite side of the work piece carrying structure (3) to the one on which the metal part (4) to be worked are arranged [See FIG 1].

In reference to claim 23, the first engagement surface (27) is a cylindrical surface provided by a first roller member rotatably mounted on the work piece carrying structure. It is noted that the roller (27) is rotatably mounted on the work piece carrying structure via arm (29) [See FIG 1].

In reference to claim 24, the cam member (25) is carried by the movable unit (8, 11) as seen in figures 2-4.

Allowable Subject Matter

Claims 25-30, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 7am - 4:30pm with alternating Friday 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Debra M Wolfe".

Debra M Wolfe
Examiner
Art Unit 3725

EDTOLAN
PRIMARY EXAMINER

A handwritten signature in black ink, reading "Edtolan".